



ALTERNATIVE DISPUTE RESOLUTION



MEDIATION



MEDIATION - AN ALTERNATIVE FOR DISPUTE RESOLUTION

**Mediation is a dispute resolution process
which is non-adversarial in nature**

**Seeks not to declare winners or losers, but
to find reconciliation between disputing
parties**





MEDIATOR



**Webster defines a mediator
as “one who serves as an
intermediary to reconcile
differences”**





GOOD NEWS STORIES



Department of Justice: Medicaid Drug Rebate Program resolved claims for more than \$360 million in 46 states



Air Force: Between FY 92 and FY 95, the reported use of ADR to resolve EEO complaints increased significantly and the average number of days required to settle formal EEO complaints decreased by 60%





MEDIATION - BENEFITS



***Win-Win
Situatio***

***n*
Confidential**

**Encourages open
communication**

**Allows parties to
resolve differences
themselves**



Saves money/time



**Neutral Third Party
mediates**

**EEO complaint process
continues if no
agreement reached**



MEDIATION -- THE PROCESS



Physical setting

Remarks by the parties



Joint discussion

Caucus



Reconvening parties

Writing agreement



PHYSICAL SETTING

**Private area away from
work location**

**Parties seated to convey
sense of equality**

**Mediator seated to maintain
control**





REMARKS BY THE PARTIES

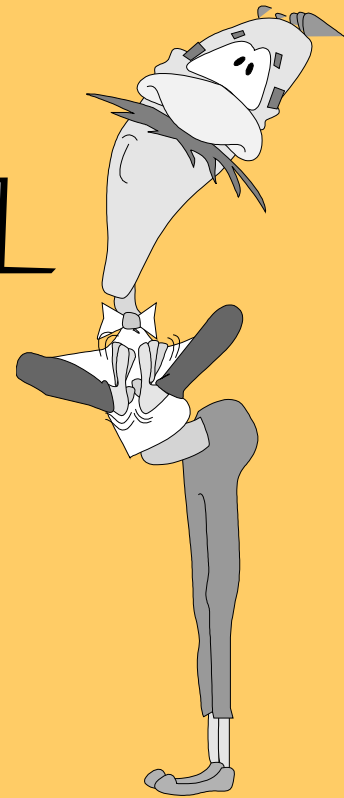
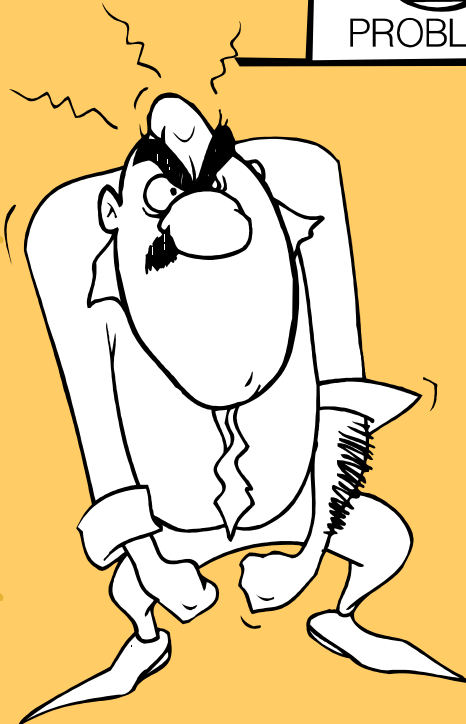


PROBLEMS

SOLUTIONS

**Mediator opens the
session**

**Parties have the
opportunity to make
opening remarks and
present their issues**





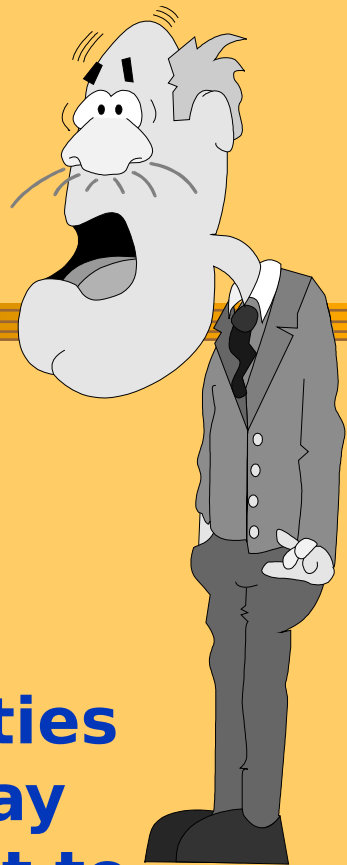
JOINT DISCUSSION



**Mediator facilitates
through several means**



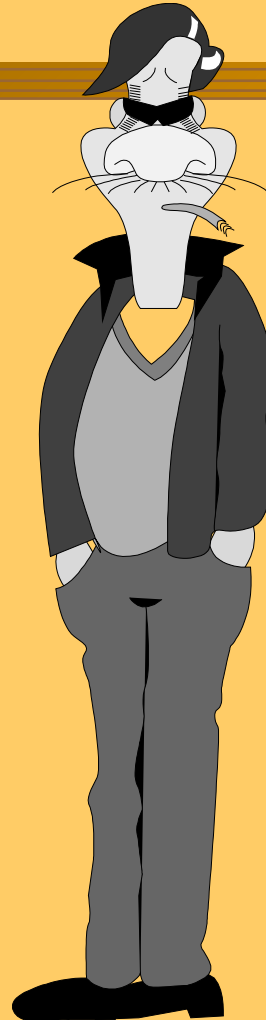
**Open
exchange
is
encourag
ed**



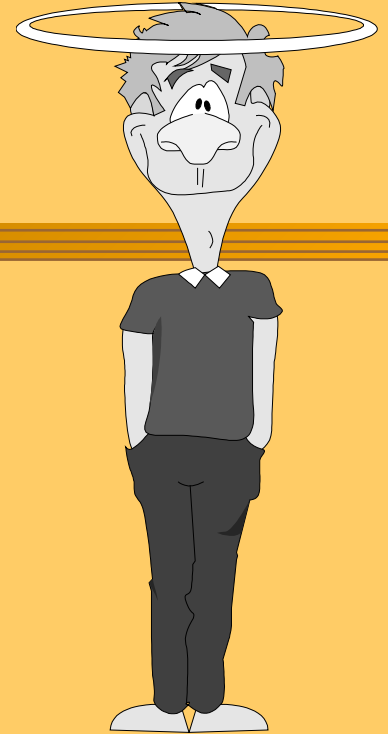
**Parties
may
want to
produce
evidenc
e**

CAUCUS

**Mediator meet
with
complainant**

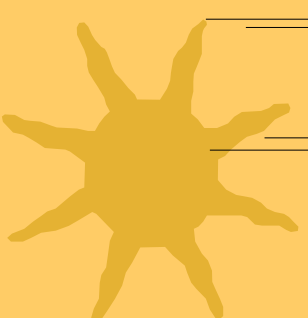
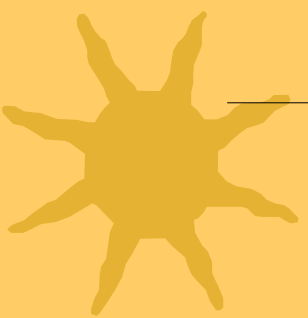


**Mediator meet
with
management**





RECONVENING PARTIES



Agreement

**No
Agreement**





WRITING AGREEMENT



Mediator writes

**Parties
responsible
for
substance**





MEDIATION OBSTACLES

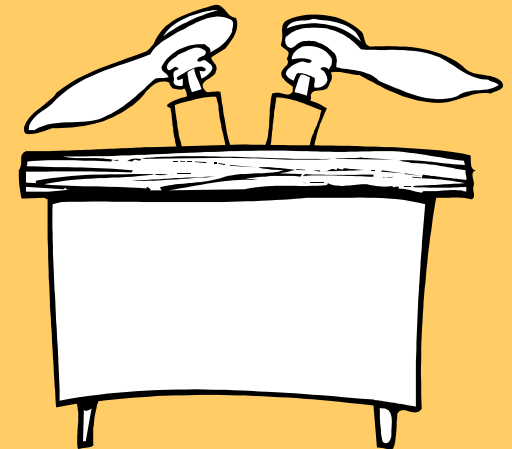


**Dispute is
inappropriate**



**Approval authority
not in attendance**

Lack of an agreement





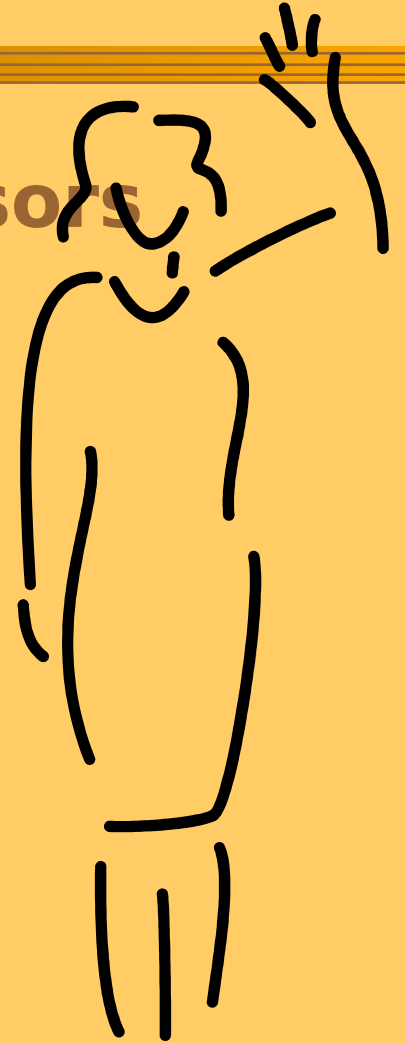
MEDIATION BENEFITS YOU!



Managers/Supervisors

Counselors

Employees





NOTE PAGES

**Several
charts
contain note
pages with
additional
information**

